

APPROVED: Meeting No. 39-80

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 37-80

October 6, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, October 6, 1980, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman John Freeland

Councilman John Tyner

ABSENT

Councilman Steve Abrams
(business leave)

Councilwoman Phyllis Fordham
(business leave)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Roger Titus; Director of Recreation and Parks Ron Olson; Director of Community Development Douglas Horne; Director of Public Works Robert Goodin; Director of Finance John Lawton; Chief of Police Jared Stout.

Re: City Manager's Report

Mr. Blick reported the following:

1. The County government has hired the MITRE Corporation for the development of a solid waste recovery project that will handle 12,000 tons per day of solid waste. They are looking at several sites. The PEPCO site at Dickerson and the central processing at Rt. 355 and Shady Grove Road and on either side of Gude Drive near the consortium processor.
2. Two weeks ago the Corps of Engineers said water was being drawn from the Potomac at a rate of 50 percent. Since then the usage has gone down. The Corps of Engineers report an alert stage at 50 percent and call for a restriction at 80 percent.
3. Last Saturday, Mayor Hanna, Councilman Freeland, Chief Stout, the City Clerk and the City Manager participated in the Chamber of Commerce's seminar and goals process meeting in Hyattstown.
4. Last Saturday at Towson State College, the senior citizens participated in a senior olympics program and earned several gold medals.

Re: Proclamation: Rockville Business-
women's Week

Proclamation No. 8-80

There being no objection from the Council, Mayor Hanna proceeded to issue Proclamation No. 8-80, proclaiming the week of October 19 - 25, 1980 as Rockville Businesswomen's Week. Councilman Freeland, at the request of the Mayor, read the proclamation in which it was urged that all citizens join in the salute to working women by encouraging and promoting the celebration.

Re: Award of Contract: Bid No. 6-81,
Radio maintenance service

Bids were opened on September 25, 1980, for providing radio maintenance service to the City of Rockville for a period of one year.

The results are as follows:

	<u>Vendor</u>	<u>Cost/Month</u>	<u>Total/12 Months</u>
1.	Motorola Communications and Electronics Inc.	\$ 879.55	\$10,554.60
2.	Teltronics Industrial Systems, Inc.	977.00	11,724.00
3.	Syntonic Technology	1,323.00	15,876.00
4.	Mills Communications, Inc.	\$1,695.00	20,340.00
5.	Severn Communications	\$1,752.00 (+)	21,024.00

The amount budgeted under Motor Vehicle Maintenance for this service is \$13,000. The current cost for this service is \$848.35 per month or \$10,180.20 annually. This reflects a 3.4 percent increase. Staff recommends the acceptance of the lowest bidder, Motorola Communications and Electronics, Inc. for providing this service.

On motion of Councilman Freeland, duly seconded and unanimously passed, Bid No. 6-81, was awarded to Motorola Communications and Electronics Company, at a cost of \$10,554.60 per year.

Re: Award of Contract: Bid No. 16-81
Furnishing and planting trees in City
rights-of-way.

Bids were opened in the Contract Office, City Hall at 3 p.m., on September 16, 1980, for furnishing and planting trees and shrubs on City rights-of-ways.

The bids were received as follows:

Greenbrier Farms Landscaping Co., Chesapeake, Virginia	\$16,938.00
Stock Brothers Nursery, Rockville, Maryland	18,441.50
Chapel Valley Landscaping Co., Woodbine, Maryland	21,364.00
Facilities Service Co., Rockville, Maryland	21,614.80
W. H. Boyer, Inc., Glenwood, Maryland	21,914.38
Stoneybrook Landscape Co., Wheaton, Maryland	22,145.00
Cox Nurseries, Inc., Silver Spring, Maryland	30,295.00

The described material is to be used to replace dead trees in all City rights-of-ways. This is a continuing program with replacements planted each spring and fall. The amount budgeted in the program area of Tree Planting under the category of Outside Program Contributions was \$27,500. The departmental estimate was fall, \$18,040; spring, \$9,460. The staff recommends an award to Greenbrier Farms Landscaping, Inc., for \$16,938.00

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 16-81, furnishing and planting shrubs and trees was awarded to Greenbrier Farms Landscaping Co., for \$16,938.00.

Re: Introduction of Ordinance: To grant street closing and abandonment application, SCA-25-80, WMATA, Applicant, portion of Baltimore Road

On motion of Councilman Freeland, there was introduced upon the table an ordinance granting street closing and abandonment, SCA-25-80, WMATA, Applicant for portion of Baltimore Road, said ordinance to lay over one week.

Re: Approval of contract for the purchase of land for the construction of Fleet Street

Before the Mayor and Council is a "Contract for Sale of Land" for the purchase of property from George W. Shadoan. The subject 2,622 square feet is the last right-of-way needed to complete the extension of Fleet Street between Monroe and Jefferson Streets. The contract is in the amount of \$20,200.

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was authorized to sign the contract with George W. Shadoan in the amount of \$20,200 for purchase of the land.

Re: Approval of agreement with Montgomery County for the use of the Animal Shelter

Before the Council is the agreement recommended for approval as the vehicle by which the City Animal Control Division can use the Montgomery County

Animal Shelter, and abandon use of its own shelter. The agreement would:

- o Permit the owners an opportunity to claim their pets twelve hours per day, seven days a week, rather than two hours per day as is now the case. This is a major improvement in convenience for citizens.
- o Allow the City Animal Wardens to devote additional time in patrol and responding to calls as they would be relieved of shelter duties. The additional time is equivalent to about one-half of a man year.
- o Leave unchanged the revenue derived from fees or punitive assessments levied by the City against owners who violate the Animal Control Ordinance.

In sum, for no increase in budgetary requirements, City residents will gain a major increase in convenience and enhance patrol/response services.

On motion of Councilman Freeland, duly seconded and unanimously passed, the agreement was approved and the staff was authorized to execute it and establish the necessary administrative procedures.

Re: Correspondence

The Mayor and Council noted the following items of Correspondence:

1. Lone Oak Elementary School, re compliment to City Police
2. Letters in response to Mayor's letter on triennial assessment
3. Town and Country Women's Club request for fee waiver

The City Manager said he would be preparing a memo for the Mayor and Council on this item.

4. Water Resources Administration re Potomac low flow

Re: FYI

The Mayor and Council noted the following FYI items:

1. Memo from City Manager re Annual Leave
2. Project Report from Director of Finance
3. Citizen complaint re Community Enhancement Survey

Councilman Freeland asked if the staff is satisfied that the program is being conducted properly. The City Manager said over 5 percent of those surveyed had violations and only a handful of them presented problems. The staff will meet with the person who wrote this letter and work it out.

4. Response to citizen complaint
5. Memo re tree trimming
6. Memo from Board of Elections re Handling of complaints of unfair practices

Mayor Hanna asked the City Attorney where a Rockville voter would go to complain about an unfair practice. The City Attorney said that the Mayor and Council could instruct him to prepare a code revision. Whether or not he should handle jurisdiction of this or Board of Supervisors of Elections, would be a policy question. However, the

Board had presented most persuasive arguments saying they would prefer not to administer it. Mayor Hanna said he would like to see a staff memo on the procedure, not anything too lengthy at this time. The City Attorney said he would like to have more direction from the Mayor and Council before drafting an ordinance. Mayor Hanna said at this stage, the Mayor and Council do not wish any ordinance or any legislation drafted. They would only like some information, specifically the Board should be asked what kind and type of complaints they received. Councilman Tyner suggested it might be a board that operates out of the City Clerk's office for a short period of time, maybe a month before and after elections and may be made up of both representatives of the political parties. Mayor Hanna said he would prefer not to see the political parties involved. He would like to see something that could be resolved in City Hall between the Clerk's and the Attorney's offices; but at this date, a memorandum back from the Board of Elections concerning the type of complaints received would be sufficient.

7. Letter to Councny objecting to swap meets.

8. Memo re Antique Car Show

The Mayor and Council thanked the staff for the information.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Robert Jacques. Mr. Jacques asked how the City plans to use the land at the Rockville Academy. Would it be used for a park? Mayor Hanna said the only thing planned at this time would be open space and no further plans have been made at this moment. Mr. Jacques asked if the Academy will be turned into offices now that it has been sold. The Mayor said that no application for such a zoning change has been received by the City.

2. Steve Fisher, Rockville Civic Federation. Mr. Fisher reminded the Council of the debate which the Civic Federation is sponsoring on Thursday evening between the Congressional candidates at 8:00 p.m. at the Educational Services Building.

3. Mr. Goldberg. Mr. Goldberg addressed the Council and complained of the bad conditions existing at the old Maryvale Elementary School with a good deal of destruction and broken windows. It seems to be a danger to children in the neighborhood. He asked if the City has any plans. The Mayor said that the property belongs to the Board of Education. Mr. Goldberg asked if the City would use its good offices and write to the County and ask that they be concerned with the conditions there. Mayor Hanna asked the City Manager to call the chief administrative officer of Montgomery County and report the deterioration to him.

4. Delegate Forehand. Delegate Forehand thanked the Mayor and Council for its help in getting the Department of Motor Vehicle's office to stay opened on Saturdays. She said any such accomplishment is a result of a concerted effort. She said she will be monitoring in Annapolis, the drunk driving task force and report back on it since in her neighborhood this past weekend there were two serious accidents involving drinking. She asked for the Council's support. Mayor Hanna suggested a newsletter article on safe driving might assist.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Review and instructions to staff
for amendments to the Animal
Control Ordinance

Present this evening is Chairman Simmonds of the Animal Control Board and members Henry U. Milne and Margaretta Tutson. The Council discussed the revisions suggested to the animal control regulations and questioned the Board on its recommendations.

Councilman Tyner moved, duly seconded and unanimously passed, that the City Attorney be instructed to prepare for introduction, an ordinance incorporating the recommendations of the Animal Control Board.

Re: Presentation by June Allen -
Performing Arts in Rockville

June Allen, former Rockville Supervisor of the Arts, addressed the Council and outlined four basic steps to effectively develop a comprehensive future programming plan for the theatre in Rockville.

1. The first step is developing a new image and tasks necessary to effectively produce it, including a budget breakdown of all expenses. All significant arts support needs to be involved in this step.
2. Having defined the new arts produce, the second step is to prepare a marketing strategy that is compatible with the image.
3. Then the specific program design for the first year should be developed and the budgetary considerations encountered in the audience development process defined.
4. Finally, the ongoing tasks of maintaining an active Arts Program are organized and implemented.

Mrs. Allen then proceeded to elaborate on her suggestions. The main one of which is to have an expert in the public relations field plan a campaign

and launch a new image. She said a packaging product is what is needed. Business support is also needed and a new name for the entire complex. The Mayor and Council told Mrs. Allen they were most pleased and excited with her suggestions. Mayor Hanna stated he is very interested in the use of the whole complex with a variety of offerings. The Mayor and Council asked that the Director of Recreation work with Mrs. Allen and plan how the project can get underway. When the plans are formed and ready including a budget he asked that it be brought back to the Council. The Mayor and Council thanked Mrs. Allen for her time this evening.

Re: Annual Report of the Civic Improvement
Advisory Commission

Mrs. Frances Manderscheid, Chairman of the CIAC presented the annual report to the Council. She read the report to them and elaborated on them. Copies of the report are available at City Hall. The Mayor and Council thanked Mrs. Manderscheid for coming.

Re: New Business

1. Councilman Tyner referred to an item under information in the Finance Director's report on putting out the City's services for bid and asked if the Women's Bank would be included. Mr. Lawton stated that the Women's Bank presently has the utility account but the purpose of the bid would be consolidation to increase leverage and procure additional services at no cost. There is always the possibility that the Women's Bank does not have full services and the specifications might preclude an award to a single facility bank. However, all banks will be given equal treatment.
2. Councilman Freeland suggested that an amendment be filed to the zoning ordinance to preclude the establishment of shooting galleries in the Town Center. Councilman Tyner agreed and said this should be done. It was the Council's feeling on the advice of the City Attorney that in so doing this might go to public hearing at the same time as the ordinance prohibiting shooting galleries in the entire city. Councilman Tyner asked how this amendment would tie in with the permit issuance. The City Manager said the permit can be issued after careful study and satisfaction on his part that all safety conditions could be met. The City Manager said he would have to be satisfied as to the safety of the operation and the environment in which it is placed. Mayor Hanna said the City Manager would then have to rely on

expert testimony since he would be the first to acknowledge he is no expert. Mayor Hanna spoke against the proposed amendment. He noted the individual has followed all the City's rules and is within the law and had his plans examined and now a spot law is to be passed because a few people say the business should not be permitted. He said there are people who will never have confidence in a government which changes its laws overnight and he does not like the procedure. Councilmembers Freeland and Tyner disagreed with the Mayor and said it is possible that the shooting gallery is a safe establishment; however, the Town Center might not be the best place to locate it.

On motion of Councilman Freeland, duly seconded, the City Attorney was instructed to proceed with his recommendation to file a text amendment that would preclude shooting galleries in certain specified zones in the City, the Mayor and Council's preliminary review of the amendment was waived and Council asked that it immediately be referred to the Planning Commission in the hope that both ordinances could be in public hearing on the same evening. The motion passed, Councilmembers Freeland and Tyner voting aye and Mayor Hanna voting nay.

Re: Approval of Minutes

On motion of Councilman Freeland, duly seconded and unanimously passed, the Minutes of Meeting No. 35-80, were approved as written.

Re: Executive Session

There being no further business to come before the Mayor and Council in general session, the meeting was closed on motion of Councilman Freeland for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session the meeting was adjourned at 10:25 p.m. to convene again in general session on Monday, October 20, 1980, at 8:00 p.m. or at the call of the Mayor.